

## Plumas/Sierra County Workplan Fiscal Year 2006/07

Enforcement Letter 2004-023 requires that County Ag Commissioners (CAC) implement a two-year process for their pesticide use enforcement program. The first year was used to evaluate our existing program and to develop a comprehensive, baseline work plan for future program implementation (FY 2005/2006). This year FY 2006/2007 is the year to make the changes as a result of the evaluation of the previous year's program. In the past, our county has developed a Negotiated Work Plan each fiscal year. The plan is then evaluated and the next year's plan is developed. This plan is a result of that evaluation.

Plumas/Sierra Counties comprises over two and one-half million acres spanning over 90 miles from north to south. Two of the three main agricultural production areas are over thirty miles from the office in Quincy. We have two licensed staff assigned to conduct pesticide use enforcement activities (spending about 650 hours each year) and also are responsible for all of the other regulatory programs in agriculture and measurement standards. One of these persons is the Commissioner/Sealer who is responsible for department's oversight.

Since 1997, our office has sponsored an annual "Continuing Education in Pest Management" seminar for growers, licensed pesticide applicators and other interested persons. This program has proven to be extremely successful, drawing people as far away as Butte and Modoc Counties. We believe this to be one of our pesticide program strong points. We use this seminar to bring the latest program requirements to the regulated community.

Because of the limited use of pesticides in our area, we frequently need to rely on the Enforcement Branch Liaison when issues arise that we are not familiar with. This is usually a result of the increased program areas that have come under the pesticide enforcement umbrella and the complexity of many of these issues. Keeping up with these new programs, changes in programs and new laws and regulations is our weakest point. We will continue to work closely with our liaison to minimize this weakness.

Regardless, with existing resources, we will adjust our activities in order to implement ENF 2004-023. There are three Program Elements noted in the ENF 2004-023 Guidance Document; these will be addressed in our evaluation and plan development.

### **Restricted Materials Permitting**

Permit Evaluation Process: Plumas/Sierra County Ag Department has limited resources both in personnel and in data processing. Personnel resources will be utilized by limiting the amount of office time available to the public. For the issuance of permits, appointments can be made with the inspector almost anytime during the week that works into his schedule. Admittedly, this may limit public access but ensures that the best

service possible is provided because of this “one on one” permit issuance policy. Generally the inspector makes the appointments for permit issuance, but the commissioner is generally available to issue a permit to a walk-in, but this procedure is not encouraged. Since we issue about 20 restricted materials permits each year, mostly for strychnine, phenoxy compounds and other restricted herbicides, this has not resulted in any serious loss of ability for our office to effectively regulate the use of pesticides in Plumas and Sierra Counties.

The second area of resource limitation is in data processing. Our department currently uses a Dataflex program for Restricted Material Permit (RMP) processing. This is only a small step above hand issuance. We have GIS software, but haven’t fully utilized it because of lack of training on the use of this software and the time involved. In the short term, to be able to better use the GIS will take some training resources. There hasn’t been a demonstrated need to digitize our field maps, but never the less, we need to continue in that direction. The County Assessor’s office is moving towards digitizing some of the lands and we will at some time “piggy back” onto that effort when it becomes available. We cannot anticipate when we would be able to obtain the hardware and software necessary to fully implement this technology, however the county is moving ahead with this program development. The ag department has been partnering in this process and at some point will have that capability. For the time being, we will use existing technology and extensive personal knowledge of local topography, environment and conditions to identify sensitive sites and adjacent areas to ensure that we continue to comply with CEQA equivalency. One major aspect of our permit issuance program is to ensure that the requested restricted material is needed and that there isn’t another non-restricted material that may work as equally well reducing the risk to human health or the environment.

For the coming growing season the department is going to rearrange staff responsibilities. One of the reasons for the change is to give the inspector more time in the enforcement arena to strengthen our overall program. In the past year the inspector was given the total PUE program with help from the commissioner to issue permits, evaluate NOIs and be available for the daily pesticide questions and requests from the public. Consequently, the inspector was also responsible for the issuance of Operator ID #s, many of them for small yellow starthistle control projects. For the coming growing season, we are going to train the department’s administrative assistant to evaluate the requests for these Operator ID #s, collect the necessary data, enter it into the PUE computer and print out the paperwork. The commissioner will then review the work, sign and issue the Operator ID.

The administrative assistant is also responsible for use report data entry with errors and rejected reports being corrected by the commissioner.

Site Monitoring Plan Development: Plumas/Sierra County will develop a local site-monitoring plan that will utilize our knowledge of pesticide hazards, local conditions,

cropping and fieldwork patterns and handler, permittee and applicator compliance histories. Although a written plan has yet to be developed we will attempt to draft one by the next growing season. In the meantime we will continue to monitor local pesticide usage and set our program priorities accordingly.

Many of the reported uses are for weed control in pastureland, rangelands and timberlands with rodent control work being performed in forage crops such as alfalfa. Site monitoring will be assessed every three months and priorities adjusted accordingly.

We will monitor 5% of total sites as required by regulation. High priority will be given to permits that are new to the RMP system, even without a NOI being filed. This will allow us to better use our resources during the busy times of the year.

### **Compliance Monitoring Priorities**

We will evaluate compliance monitoring activities based on criteria similar to the criteria outlined above. In order to optimize limited staff resources, we will need to re-evaluate our compliance monitoring activities. Our office has changed staff assignments to better utilize staff as outlined above.

**Comprehensive Inspection Plan Development:** Past inspections will be evaluated and used to develop a comprehensive inspection plan for FY 2006/07. Most of the uses in the agricultural production lands in Plumas/Sierra Counties are for weed control, with very few “sensitive crops” surrounding the treatment area. We believe the random inspections we have done is adequate to assure compliance on these uses. Given limited insecticide uses in the county and the nature of the insecticides that are used, we will attempt to inspect as many of these applications as possible. In a related activity, all structural and any agricultural fumigations will be inspected.

Most field crop uses are by owner operators. However, all noncompliances noted on use monitoring inspections that involves personal protective equipment with employees will be corrected at time of inspection or at a follow up inspection and will trigger a headquarters inspection. For those operations with employees that handle pesticides that haven’t previously held an Operator I.D. or Restricted Material Permit will also trigger a headquarters inspection within a year.

Timber production and forestry represent a majority of the pesticide use in Plumas and Sierra Counties. These pesticide applications are typically made by professional licensed pest control operators. Past inspections have found excellent compliance. Inspections will continue to be conducted to insure compliance with laws, regulations, and worker safety. Any known pending aerial applications will trigger an inspection to ensure compliance protecting human health and environmental integrity.

The maintenance gardeners in the county will be evaluated in 2006/2007 for compliance with licensing and registration laws and regulations. This will be one of our major focal points in 2006/2007, ensuring that worker health and safety is protected as well as the clients they serve.

Investigation Response and Reporting Improvement: We are fortunate that very few pesticide-related illnesses or other incidents occur in Plumas or Sierra Counties. However, Plumas/Sierra Counties is creating a Complaint/ Investigation log that will allow for the recording of a pesticide complaint and follow up history on any incident. Plumas/Sierra Counties will work closely with our Enforcement Branch Liaison to insure that our complaint/investigation log meets the requirements of ENF 95-043. Any reported pesticide related illness or improper pesticide use complaint will be considered a top priority item and will immediately trigger an investigation by Agriculture Department staff. We will work with our Enforcement Branch Liaison to assure investigations are complete and submitted as required. This includes the timely initiation and completion of non-priority episode investigations. We will begin our investigation of all incidents within 48 hours of receipt with a target of 60 days for completion and submission to DPR.

Priority episode investigation and reporting: We will adhere to the guidelines that DPR has established for priority investigations.

Development and use of investigation plans: We will use DPR's guidance for conducting investigations.

Thorough report preparation: We will submit reports that meet DPR's criteria for completion and will work with our Enforcement Branch Liaison in to ensure complete reports.

### **Enforcement Response Evaluation**

The Plumas/Sierra Counties Department of Agriculture is committed to evaluate our enforcement program and assure it is fair, consistent and timely.

We will consider all appropriate enforcement options in our regulatory toolbox. Referral to the state will be considered where appropriate.

We will assure a timely response to prevent lost or compromised evidence and to help tie our action to the violation. Our office will have a target of 60 days for completion of our investigation and taking any enforcement/compliance action within 90 days of completion.

We will respond to all violations with either a compliance or enforcement action as suggested in DPR's Enforcement Guidelines. We have already implemented the Enforcement Response Policy as outlined by DPR and will not need to make any changes when they become regulation.

We will use the action that will most likely ensure future compliance.

Priority will be given to those violations that pose greatest risk to people or the environment.

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Karl Bishop  
Plumas/Sierra Counties Agricultural Commissioner